

SHANGHAI 14505
S. B. REGISTRY
No. D 6678
Date 27/4/35

POLICE ABSOLVED IN TRAGIC ACCIDENT

The finding of the Coroner in the inquiry on the unfortunate death of Mr. N. G. MacDonald, who was killed by a bullet fired by a Chinese constable at an armed robber outside Hongkew Market on the morning of April 9, is an important one. Everyone must deplore the death of Mr. MacDonald and feel deep sympathy with his dependents but this must not blind our eyes to the fact that the police cannot be blamed for what has happened and that the Coroner could hardly have done otherwise than return a verdict that death was due to misadventure and that the bullet which caused it was fired by a police officer in the proper execution of his duty with "due care and consideration." It is important to note that the evidence at the inquest showed that Mr. MacDonald was hit by a ricochetting bullet and that at no time was he in the direct line of fire. The circumstances of the tragedy were, of course, particularly poignant, and it was one of those tragic ironies of fate which we so frequently meet with in life that Mr. MacDonald should have been where he was at that precise moment, that the bullet should have ricocheted in his direction, and that it should have struck him in a vital spot, killing him instantly.

There is no evidence whatsoever that any wild shooting was being indulged in by the police. The police regulations, themselves, seem eminently sensible. One of these states that "policemen should always be ready when on duty and, when facing armed criminals, they should have their pistols in their right hands, loaded, ready to fire and should always fire first"; others point out that "shooting should be done from a stationary position and under cover when possible" and "great care should be taken in crowded areas and, rather than hit innocent people, police should hold their fire." But, of course, with so many armed criminals in our midst, it is manifest that accidents cannot wholly be prevented although it is very seldom that such a tragic affair as Mr. MacDonald's death occurs and we do not recollect any previous occasion of a foreign resident having been killed in this way. In a sense this risk is one of those unfortunate risks that we all run by living in a city situated as Shanghai is.

The police, of course, deeply regret this accident and the Council has published the following expression of its feelings in the Municipal "Gazette":

The Council deeply regrets that a shooting affray on the morning of April 9 between the Police and armed robbers, who were resisting arrest, resulted in the accidental death of a foreign civilian, Mr. N. G. MacDonald, who happened to be passing by in the neighbourhood of the affray and who unfortunately was struck by a ricochet bullet. The Council's sympathy and respects were expressed by the attendance of its representatives at the funeral, the depositing of a wreath in its name, and by the lowering of the Municipal flag on the Administration Building. The Police paid tribute to the deceased by the sending of a detachment and in the attendance of the Commissioner at the funeral.

There remains little more to be said about this sad affair. The police have a particularly arduous duty in Shanghai and they run very great personal

risks in performing it; aided by an excellent discipline they succeed in doing some remarkably good work. Large numbers of armed criminals are constantly accounted for and seizures of illicit weapons are continually being made. It is an unfortunate element in the situation in China that these seizures constitute but a small palliative; for it is a most distressing fact that firearms of every sort are found in private hands all over this vast country and any weapons seized from criminals and disaffected elements in ports like Shanghai are only too quickly capable of being replaced, we fear, from the hoards left over from banditry and civil wars in the interior parts of the country.

Reg. Please get me regulations mentioned at "A". J.W.

Sir:

Regulations attached
(Flagged)

27 APR. 1935

30 APR. 1935

ABD. 294

Police Are Absolved By Coroner Of Any Blame In MacDonald Shooting

Scot Engineer Said Killed By Ricocheted Bullet Fired By Wounded C. P. C.; Coroner Satisfied Constable Fired In Execution Of Duty

POLICE REGULATIONS ARE DETAILED; STORY OF CHASE IS RETOLD

Absolving police of all blame for the unfortunate death of Mr. Nathaniel Gilston MacDonald, 38, Scottish engineer formerly employed by the New Engineering and Shipbuilding Works, who was killed by a ricocheting bullet fired by a Chinese constable after an armed robber outside the Hongkew Market on Boone Road at about seven o'clock on the morning of April 9, Coroner C. H. Haines returned a verdict of death due to misadventure at the conclusion of the long drawn out inquest late yesterday afternoon. A thorough investigation into the circumstances surrounding the unfortunate death of the engineer and the part played by all parties in the drama was conducted by Coroner Haines, who left no stone unturned in arriving at the verdict, which he handed down yesterday afternoon.

"I find that Nathaniel Gilston MacDonald died at Shanghai on the 9th day of April, 1935, of haemorrhage caused by the rupture of the aorta caused by a ricocheted bullet, fired from a police pistol by Chinese Police Constable 2241," stated the Coroner, "Death was due to misadventure."

In absolving the police from blame, the Coroner said, "I am satisfied that C.P.C. 2241, who fired the bullet which caused the deceased's death, was firing in proper execution of his duty in attempting to arrest an armed Chinese robber and that he fired with due care and consideration."

The Coroner closed the inquest by saying that he very much regretted that a British subject should have lost his life in this unavoidable conflict with armed robbers, and that he was satisfied that due care was taken by the police in shooting in the crowded district.

Robbers' Victim Testifies

The second day's session on the inquest opened yesterday morning by evidence being given by the doctor, whose house at 16 Yung Ching Li off Yuenfoong Road, was held up by three armed men on the eventful morning, and in the subsequent chase of one of these robbers, Mr. MacDonald was killed, the Chinese constable, whose bullet killed Mr. MacDonald, was wounded and one armed robber killed.

The next to testify was Sergeant J. H. Short of the River Police, who was an eye-witness to the chase of the armed robber, his subsequent killing as well as the shooting of Mr. MacDonald. Evidence was also given by three Chinese constables—C.P.C. 3062, who chased the robber from the corner of Seward Road and Boone Road, firing in all five shots, finally killing the gangster; C.P.C. 2241, who was wounded in the leg and afterwards fired six shots, one of which, in ricocheting, killed the engineer; and C.P.C. 749, who was on duty in the market and, upon running out on hearing police whistles and the sound of firing, saw Mr. MacDonald gasp, stagger and then fall across the gate leading into the back of the Hongkew Station. The last constable also saw the gangster shot.

Police Regulations

Another part mentioned by Mr. Fairbairn was, "Shooting should be done from a stationary position and under cover when possible, and 'great care should be taken in crowded areas and, rather than hit innocent people, police should hold their fire."

Coming to the case in question, Mr. Fairbairn said that two days after the shooting, C.P.C. 2241 had demonstrated to him the position he was in and the direction of all six shots fired by him, which was in the direction of a blank wall at the back of the Hongkew Station. The police officer mentioned that there was a mark on the wall which could have caused the ricochet, but that it was not possible to identify it. Mr. Fairbairn stated that all evidence showed that the policemen were firing away from the market area.

In closing, Mr. Fairbairn said that the fact that C.P.C. 2241 was wounded was sufficient to justify

his thinking that he was shot by the robber and further the fact that he held fire until the robber had passed him, showed that he was cool at the time of firing.

Story Of Robbery

Dr. Wang Sze-ting, residing at 16 Yuen Ching Li, off Yuenfoong Road, stated that at about 6.30 a.m. on April 9, three armed men entered his house and stole money and jewellery. When the gangsters left, he followed them into Market Street, then to Yuenfoong Road, then into Yuenching Road, where the encounter, handed over to him. Expert evidence was then the robber commandeered a car. Given by Detective Sergeant F. Dr. Wang stated that while he was following, the robber fired one identification Section of the shot at him. When he got close to Shanghai Municipal Police. The last witness called was Assistant Commissioner W. E. Fairbairn, Musketry Officer of the S.M.P., who testified regarding the police regulations on shooting and stated that C.P.C. 2241 was doing his duty in firing on the morning of April 9.

Robber Had Not Fired

Giving expert evidence, Detective Sergeant Ewins said that he had examined the robber's pistol and five rounds of ammunition found in it, and found that they were all misfires, having been struck several times very recently. He pointed out that the pistol used by the gangster was faulty, the striker being too long.

Referring to the bullet extracted from the body of the late Mr. MacDonald, D.S. Ewins said that examination of the bullet showed that, without a doubt, it had ricocheted, having struck a wall or cement at an angle. He stated that the bullet which lodged itself in the deceased Scotman's arm, tests showed, had been fired from S.M.P. Pistol, Number 1736, which was carried by C.P.C. 2241. D.S. Ewins also said that he examined eight other police firearms which had been used in the shooting.

Assistant Commissioner Fairbairn handed in to the Coroner a copy of Police Regulation 118, which referred to shooting by the police and added that, in addition to this, there were monthly lectures given to C.P.C.'s when these particular points on firing were stressed. Mr. Fairbairn then reviewed briefly the regulation as follows: "That policemen should always be ready when on duty and, when facing armed criminals, they should have their pistols in their right hands, loaded, ready to fire and should always fire first."

Robber Commandeers Car

The car drove away in the westerly direction on the right hand side of the road. At that moment Sergeant Short got out of his ricksha into a Ford Hire car and tried to follow the robber's car. When he got to within 200 yards of the robber, opposite the Marseilles Café on Broadway, police were already firing at the robber, so he called a Sikh and two Chinese constables and gave them over the Ford Hire car.

Proceeding farther in his ricksha, Sergeant Short saw that the robber's car had crashed into the doorway of a Chinese bank at the corner of Boone Road and Broadway, while the gangster was running down Boone Road with police in hot pursuit.

SHANGHAI MUNICIPAL POLICE

S. B. REGISTRY.

D 367

261 1

File

July

8 APR. 1935

Index under "Armed Robbers";
"Robbery in
streets"; "Guns use of in streets";
etc. etc.

When he arrived at the Hongkew Market, Sergeant Short stated that he saw two Chinese lying on the pavement, one of whom he identified as the armed robber. He also saw the late Mr. MacDonald lying at the back of the Hongkew Police Station, with the police trying to speak to him. Sergeant Short, in answer to the Coroner, said that he saw some shots hit the robber's car and that when the Sikh policeman fired, he took deliberate aim.

Constable Shoots Robber

Chinese Constable 3062, who is alleged to have killed the robber, stated that on the fateful morning, he was on duty at the corner of Boone and Seward Roads. He heard police whistles and saw a man running towards him along Boone Road followed by a crowd. He attempted to arrest the man, but the latter pointed a pistol at him, and when the constable saw that it was a genuine gun, he drew his own pistol and fired three shots at the robber, who had turned into Seward Road. The robber ran along Seward Road, then turned into Nanzing Road and from there back into Boone Road, with C.P.C. 3062 running after him.

When nearing the Hongkew Market, the constable stated that he fired another shot. The robber kept on running the constable then fired his fifth shot, following which the robber fell. C.P.C. 3062 then

went up to the robber and took the gun from him and later handed it into the charge room at the Hongkew Police Station. Upon being questioned by the Coroner, the constable stated that he stood still when he fired his last two shots and that at the time the roadway was clear, all people having scattered to the sides of the road. He stated that he did not see a foreigner on the roadway.

Under further questioning, C.P.C. 3062 stated that he thought that both of his last two shots hit the robber, the gangster staggering from the first one and falling from the second one.

All Shots Believed Hit

C.P.C. 2241, who was wounded in the leg by a shot fired by one of his colleagues, and which he believed was fired by the armed man, stated that after being wounded at the corner of Miller and Boone Roads, he fired six shots at the gangster and believed that they all had hit the criminal.

This witness stated that he was on duty in the market when he heard whistles and shots. He ran out towards Miller Road and saw the robber running followed by three constables. He drew his gun and then he was shot in the leg, believing that the robber had fired at him.

After falling down, the constable stated that he fired six shots and added that as he could not walk, C.P.C. 3062 had walked to the robber and took the pistol away from him. Later the wounded constable was helped to the station by another policeman. At the time he fired, C.P.C. 2241 stated that he did not notice anyone on the road, as he was looking at the robber.

Date 26/4/35

Foreigner Is Hit Fatally In Fusillade

MacDonald, Scotchman, Innocent Pedestrian, Shot Down As Police Chase And Kill Robber

Gangster And Briton Fall Almost Together At Hongkew Station

One of 45 bullets, intended for a fleeing robber, yesterday morning hit and killed Nathaniel G. MacDonald, 29-year-old Scotchman, as he was leisurely walking to his work at the New Engineering and Shipbuilding Works from his home in Young Allen Court. The man,



N. G. MacDonald through the streets of the Hongkew district.

To add a paradoxical, almost histrionic, touch to the scene, the bandit, for whom the bullet which killed MacDonald was unquestionably intended, was to fall, mortally wounded, not 100 feet from where MacDonald lay dead.

Bandits Robbed House

As reconstructed by police, events which lead up to the fatal shooting of MacDonald started at about 6:30 when three bandits, two of whom were armed, entered a home at No. 16 Yuen Fong Lee Road, near Market Street. After ransacking the residence the men fled. However, as they were leaving the alleyway leading from the home, an alarm was raised and several Chinese constables gave chase. The bandits parted. Two of the men ran east along Broadway while the third member of the gang turned in a westerly direction. The police officers continued the chase, firing several shots as they ran.

After running a short distance the lone gangster jumped into a taxi which had just come to a stop on Broadway near the intersection of Yuenchang Road. Pressing his revolver against the astonished and disconcerted chauffeur's side he ordered the man to drive as fast as he could.

In the meantime Sergeant G. H. Short, a river policeman, witnessing the chase from a distance, stopped his car and started to follow the bandit. However, he was unseated and turned his car over to several Chinese policemen who had been following the man.

Car Runs Into Bank

The bandit car was speeding south along Broadway with the police car in pursuit when the driver of the robber's car, according to his own words, ran the car into the north-west corner of Boone Road. Striking the side of the Chekiang Industrial Bank, the car careened and came to a stop. A tire had been punctured. The bandit jumped out and started to run toward the Hongkew Market but fell with five bullet wounds, virtually across the dead body of MacDonald.

When and where MacDonald was hit had not been ascertained by police at a late hour yesterday. Only one bullet entered his body.

The hire car commanded by the bandit was struck by five bullets, two shattering the rear glass and a three puncturing the body.

During the flurry and excitement, the two bandits who had parted company with the dead member of the band, apparently escaped uninjured. Police were unable to get accurate descriptions of the men yesterday. Nine policemen, besides Sergeant Short participated in the chase. Eight were Chinese constables and one was a Sikh. The dead bandit was struck five times. One bullet hit him over the left eye, three hit him in the back and one in the right thigh.

C.P.C. Wounded

During the heated chase and evident wild shooting, Chinese constable 2241 was shot in the left foot. He was taken to hospital for treatment. A coolie, said to have been following the chase, was also slightly wounded.

The dead bandit had not been identified late yesterday. A 32 calibre pistol was found clutched in his hand. It was rumored, but not verified, that none of the shells in the magazine had been fired. However, the chauffeur who was made to drive him believes that he fired at least two shots at his pursuers.

The body of MacDonald was identified yesterday afternoon by Mr. William C. Davies-Bowen, an accountant at the New Engineering and Shipbuilding Works during an inquest which was held at the Fearn Road Public Mortuary by Coroner C. M. Haines of the British Police Court. The body had been seen and identified earlier by Mr. T. Beattie, works superintendent at the New Engineering and Shipbuilding Works. The inquest yesterday was adjourned until April 16 at 2:30 p.m. An autopsy will be performed in the interim.

Here For Six Years

Mr. MacDonald was born in Edinburgh, Scotland. He came to Shanghai about six years ago. He had been employed as foreman in the machine shop of the plant for the past four years. Previously he was employed at the Shanghai

Bus Company. It was not learned late yesterday if any relatives in Scotland survive him. He was not married.

He lived at No. 25 Young Allen Court and was accustomed to walking part of the way to his work. He usually met a bus in the vicinity of the Hongkew Market. When killed yesterday he was on the route which he followed every day, friends said.

The body has been placed in charge of Thomas MacDonald and Company, funeral directors. Interment will be made Thursday at 5 p.m. at the Hungjiao Road cemetery.

The body of the slain bandit had not been claimed late yesterday. He appears about 30 years old.



D. (Brune)
Information.
J.W.

C.P.

